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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MARCO ANTONIO CHAVOYA OCHOA, )  
 )  
Defendant. )

No. CR 12-0640 EMC

STIPULATION AND [PROPOSED]  
ORDER CONTINUING STATUS  
HEARING AND DOCUMENTING  
EXCLUSION OF TIME UNDER THE  
SPEEDY TRIAL ACT

The parties hereby jointly stipulate and agree, and do so request, that the status hearing currently scheduled before the Honorable Edward M. Chen for August 29, 2012, be continued to September 12, 2012, at 2:30 p.m. The parties also jointly request that the Court make a finding of excludable time under the Speedy Trial Act from August 29, 2012, to September 12, 2012, based on the need for effective preparation of defense counsel and the unavailability of government counsel and defense counsel. In support of their request, the parties state as follows:

1. The defendant appeared before the Honorable Elizabeth D. Laporte for arraignment on the Indictment on August 24, 2012. At that time, Judge Laporte set the matter for an initial appearance at this Court's first available date on August 29, 2012, per

STIP. & [PROPOSED] ORDER CONTINUING STATUS HEARING  
CR 12-0640 EMC

1 this Court's standing request.

2 2. However, counsel for the government is unavailable for an appearance on  
3 August 29, 2012, due to family issues. Counsel for the defendant is thereafter unavailable  
4 on September 5, 2012, because of a previously scheduled appearance in another court.  
5 The parties therefore jointly request that the Court continue the August 29, 2012, hearing  
6 to September 12, 2012.

7 3. The grand jury returned the Indictment in this case on August 23, 2012.  
8 Defense counsel entered her first appearance on behalf of the defendant on August 24,  
9 2012. Upon receipt of a discovery request, the government will be producing discovery  
10 to the defense. Based on all of these facts, defense counsel will need additional time to  
11 review the discovery, meet with her client, and investigate the case. Continuing the  
12 previously scheduled August 29, 2012, status hearing to September 12, 2012, will give  
13 defense counsel an opportunity to accomplish these objectives.

14 4. The Court finds that, taking into account the exercise of due diligence and  
15 the public interest in the prompt disposition of criminal cases, granting the continuance  
16 until September 12, 2012, is necessary for effective preparation of defense counsel and  
17 for continuity of government counsel and defense counsel. See 18 U.S.C.  
18 § 3161(h)(7)(B)(iv). Given these circumstances, the Court finds that the ends of justice  
19 served by excluding the period from August 29, 2012, to September 12, 2012, outweigh  
20 the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

21 5. Accordingly, and with the consent of the defendant, the Court orders that  
22 (1) the status hearing scheduled for August 29, 2012, be continued to September 12,  
23 2012, and (2) the period from August 29, 2012, to September 12, 2012, be excluded from

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Speedy Trial Act calculations under 18 U.S.C. §§ 3161(h)(1)(D) and 3161(h)(7)(A) and (B)(iv).

SO STIPULATED.

DATED: August 24, 2012

MELINDA HAAG  
United States Attorney

/s/  
KYLE F. WALDINGER  
Assistant United States Attorney

DATED: August 24, 2012

/s/  
GINNY H.K. WALIA  
Counsel for defendant MARCO ANTONIO  
CHAVOYA OCHOA

SO ORDERED.

DATED: August 27, 2012

